



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/629,331

07/29/2003

John J. Roese

ENI-048

6575

35557

7590

06/12/2008

CHRIS A. CASEIRO
VERRILL DANA, LLP
ONE PORTLAND SQUARE
PORTLAND, ME 04112-0586

EXAMINER

BOUTAH, ALINA A

ART UNIT

PAPER NUMBER

2143

MAIL DATE

DELIVERY MODE

06/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/629,331	Applicant(s) ROESE ET AL.	
	Examiner ALINA N. BOUTAH	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment filed March 28, 2008. Claims 41-58 are pending in the present application.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 28, 2008 has been entered.

Specification

The amendment filed March 28, 2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Applicant had amended the specification to incorporate a packet forwarding device, which includes network entry devices, wireless access point and central switching devices, but not policy server. This is not part of the original disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 41-58 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims contain matter (i.e. "packet forwarding device") that was not supported by the original disclosure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 41-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seeman in view of Vaid.

Regarding claim 41, Seeman teaches a method of controlling the usage by an attached function of network services associated with a network system that includes the attached

Art Unit: 2143

function, one or more other attached functions and network infrastructure, the method comprising the steps of:

- a. acquiring information about an attached function seeking access to the network services (figure 4; [0175-0177] ;
- b. associating a level of trust with the information about the attached function (abstract; [0021-0022];
- c. granting to the attached function preliminary entry to the network system based upon the information acquired (figure 4: [0175-0177]);
- d. determining whether a stored policy history exists for the attached function [0051 – rule matching];
- e. if the stored policy history exists for the attached function, establishing for the attached function one or policies for network services usage based upon the stored policy history [0053 – modifying existing rules];
- f. if no stored policy history exists for the attached function, establishing for the attached function one or more static and dynamic policies for network services usage [0053 – adding new rules];
- g. monitoring the network usage for triggers (abstract; [0021]); and
- h. modifying for the attached function one or more of the policies upon detection of one or more triggers ([0023]).

However, Seeman does not explicitly teach establishing for the attached function one or more static and dynamic policies, and modifying for the attached function one or more of the static and dynamic policies upon detection of one or more triggers. In an analogous art, Vaid

Art Unit: 2143

teaches establishing for the attached function one or more static and dynamic policies, and modifying for the attached function one or more of the static and dynamic policies upon detection of one or more triggers (figure 3; col. 27, line 45 to col. 28, line 28). At the time the invention was made, one of ordinary skill in the art would have been motivated to establish static and dynamic policies and modify the static and dynamic policies upon the detection of a trigger in order to protect the managed resources in the network, thus making the network system more robust.

Regarding claim 42, Vaid teaches the method as claimed in Claim 41 wherein the step of modifying for the attached function one or more of the static and dynamic policies is performed independent of any action of the attached function (figure 3; col. 27, line 45 to col. 28, line 28).

Regarding claim 43, Vaid teaches the method as claimed in Claim 41 wherein the step of modifying for the attached function one or more of the static and dynamic policies comprises the step of changing a static policy to a dynamic policy (col. 27, line 45 to col. 28, line 28).

Regarding claim 44, Vaid teaches the method as claimed in Claim 41 wherein the step of modifying for the attached function one or more of the static and dynamic policies comprises the step of changing a dynamic policy to a static policy (col. 27, line 45 to col. 28, line 28).

Regarding claim 45, Vaid teaches the method as claimed in Claim 41 wherein the static and dynamic policies relate to usage policies by the attached function of any network service and

Art Unit: 2143

not solely ingress and egress to and from the network system by the attached function (col. 27, line 45 to col. 28, line 28).

Regarding claim 46, Vaid teaches the method as claimed in Claim 41 wherein the step of modifying for the attached function one or more of the static and dynamic policies occurs per flow (col. 27, line 45 to col. 28, line 28).

Regarding claim 47, Vaid teaches the method as claimed in Claim 41 wherein the step of modifying for the attached function one or more of the static and dynamic policies occurs per session (col. 27, line 45 to col. 28, line 28).

Regarding claim 48, Seeman teaches the method as claimed in Claim 41 further comprising the step of saving set and modified policies associated with the attached function as the stored policy history for the attached function [0019].

Regarding claim 49, Seeman teaches the method as claimed in Claim 48 further comprising the step of establishing rules of hierarchy for saved set and modified policies (figure 14).

Regarding claim 50, Seeman teaches the method as claimed in Claim 49 wherein a portion of the saved set and modified policies are stored on a local network infrastructure device to which the attached function is directly connected and a remainder of the saved set and

Art Unit: 2143

modified policies are stored on a central network infrastructure device to which the attached function is not directly connected (figure 14).

Regarding claim 51, Seeman teaches the method as claimed in Claim 50 further comprising the step of overriding saved set and modified policies stored on the centrally located network infrastructure device with saved set and modified policies stored on the local network infrastructure device (figure 14).

Regarding claim 52, Seeman teaches the method as claimed in Claim 48 further comprising the step of invalidating the saved set and modified policies upon the occurrence of a specified event (figure 140).

Regarding claim 53, Seeman teaches the method as claimed in Claim 41 wherein the only static policy is that there are only dynamic policies [0016].

Claims 54-58 are similar to claims 41, 42 and 50-52, respectively, therefore are rejected under the same rationale.

Response to Arguments

Applicant's arguments have been considered but are found persuasive. Applicant's amendment is based on new matter that was not part of the original disclosure. Therefore it is not considered.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALINA N. BOUTAH whose telephone number is (571)272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alina N Boutah/
Examiner, Art Unit 2143

Application/Control Number: 10/629,331
Art Unit: 2143

Page 9